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May 12, 2006

Henry L. Penick, Esq.
H.L. Penick & Associates, P.C.
319-17th Street North, Suite 200
Birmingham, AL 35203

Re: Lorrie Ann Morris v. Edward Neal Thompson and Florida Transformer
In the United States District Court, Middle District of Alabama, Eastern Div.

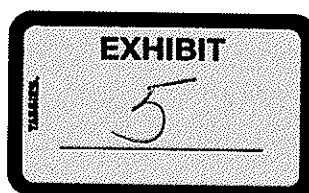
Dear Henry:

I am in receipt of your May 10, 2006 letter regarding depositions of Dr. Robinson and Andre LeBleu. I attempted to contact you this morning but you were out of the office.

I want to ask you to work with me in agreeing to do one of two things. I either need you to agree to a joint continuance of the trial of this matter from the October 23, 2006 trial term to the March 12, 2007 trial term, or I will need you to make your experts available in the month of May.

I indicated on April 5, 2006, that I needed to take your experts' depositions because of upcoming deadlines. I went so far as to inform you that either I or someone from my firm would be available on any day during the first three weeks of May. This letter was sent after a telephone call that you and I had discussing this issue wherein you assured me that you would get me some dates. After not hearing anything from you, I talked to you again on May 3, again discussing the fact that I needed some deposition dates, as well as the outstanding discovery. After still not hearing a response from you, I had no choice but to unilaterally notice their depositions on May 10.

Given these circumstances, I will ask that you work with me with either the continuance or making your experts available sometime this month.

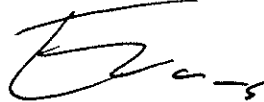


May 12, 2006
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I would appreciate it if you would call me sometime today so we can discuss this.

With warmest regards, I am

Very truly yours,

A handwritten signature in dark ink, appearing to read 'W. Evans Brittain', with a stylized flourish at the end.

W. Evans Brittain

WEB/tj

BALL, BALL, MATTHEWS & NOVAK, P.A.

Attorneys and Counselors

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FACSIMILE TRANSMISSION

DATE: May 12, 2006

TO: Henry L. Penick, Esq.

FACSIMILE NO.: (205) 251-0231

FROM: Evans Brittain

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